

AMENDED IN SENATE APRIL 5, 1917.

SENATE BILL

No. 24

INTRODUCED BY SENATOR SCOTT,

JANUARY 12, 1917.

REFERRED TO COMMITTEE ON PUBLIC HEALTH AND QUARANTINE.

AN ACT

TO REGULATE THE EXAMINATION OF APPLICANTS FOR LICENSE, AND THE PRACTICE OF THOSE LICENSED TO [PRACTICE ANY DRUGLESS BRANCH OF THE HEALING ART IN THE TREATMENT OF DISEASES], INJURIES, DEFORMITIES, OR OTHER PHYSICAL OR MENTAL CONDITIONS OF HUMAN BEINGS WITHOUT THE USE OF DRUGS, OR [THE PRACTICE OF SURGERY] EXCEPT THE SEVERING OF THE UMBILICAL CORD; TO ESTABLISH A BOARD OF [DRUGLESS] EXAMINERS [] FOR THE STATE OF CALIFORNIA; TO PROVIDE FOR THEIR APPOINTMENT AND PRESCRIBE THEIR POWERS AND DUTIES, AND TO PROVIDE PENALTIES TO ENFORCE THE PROVISIONS OF THIS ACT; TO PROVIDE THAT SUCH BOARD MAY SUSPEND OR REVOKE [THE LICENSES OR CERTICATES TO PRACTICE OF ANY PERSON LICENSED UNDER THE PROVISIONS OF THIS ACT]; TO PROVIDE THAT THE POWERS AND DUTIES OF SUCH BOARD SHALL BE EXCLUSIVE; [TO PROVIDE FOR THE CREATING OF] THE BOARD OF DRUGLESS EXAMINERS' CONTINGENT FUND, AND TO REPEAL ALL ACTS AND PARTS OF ACTS INCONSISTENT WITH, OR IN CONFLICT WITH, THIS ACT.

The people of the State of California do enact as follows:

- 1 SECTION 1. A board of [drugless examiners], to consist of
- 2 [seven] members, and to be known as the "board of [drugless
- 3 examiners] for the State of California," is hereby created

1 and established. The governor shall, within thirty days after
2 this act shall take effect, appoint the members of said board,
3 each of whom shall have been a citizen of this state for at
4 least [two] years next preceeding his or her appointment.
5 Each of the members so appointed shall [be from among per-
6 sons who practice one or more of the branches of drugless
7 practice, and no graduate of medicine or surgery nor any
8 graduate from any school which said school shall certify its
9 graduates to the examination for "physician and surgeon"
10 certificate or "chiropody certificate" as issued under the
11 medical practice act of the State of California or graduates
12 from any schools other than a drugless school, shall be eligible
13 to appointment on said board.] The governor shall fill, by
14 appointment, all vacancies on the said board, such vacancies
15 to be filled exclusively by persons holding a [certificate as]
16 issued by the board hereby created. The term of office of each
17 member shall be [three] years; *provided*, that of the first
18 board appointed, [two] members shall be appointed for one
19 year, [two for two years and] three for three years, []
20 and that, thereafter, all appointments shall be for [three]
21 years, except that appointments to fill vacancies shall be
22 for the unexpired term only. No person in any manner
23 owning any interest in any college, school or institution
24 engaged in medical or drugless instruction, shall be appointed
25 [to] the board. In making such appointments the governor
26 shall select the appointees so that they shall respectively
27 represent as nearly as possible, all branches of drugless
28 [practice], subject to the qualifications above required. The
29 governor shall have power to remove from office any member of
30 the board for neglect of duty required by this act, for incom-
31 petency or for unprofessional conduct. Each member of the
32 board shall, before entering upon the duties of his office, take
33 the constitutional oath of office.

34 SEC. 2. The said board shall be organized on or before the
35 first Tuesday of September, 1917, if this act shall have taken
36 effect; and in any event, within ninety days after this act shall
37 take effect, by electing from its number a president, vice presi-

1 dent and a secretary who shall also be the treasurer, who shall
2 hold their respective positions during the pleasure of said board.
3 The said board shall hold one meeting annually, beginning on
4 the second Tuesday in January, in the city of Sacramento, and
5 at least two additional meetings annually, one of which shall be
6 held in the city of Los Angeles and the other in the city of San
7 Francisco, with power of adjournment from time to time until
8 its business is concluded; *provided, however*, that examinations
9 of applicants for certificates may, in the discretion of the said
10 board, be conducted in any part of the state designated by the
11 said board. Special meetings of the said board may be held
12 at such time and place as the board may designate. Notice of
13 each regular meeting shall be given twice a week for two weeks
14 next preceeding each meeting, in a daily paper published in the
15 city of San Francisco, one published in the city of Sacramento,
16 and one published in the city of Los Angeles, which notice
17 shall also specify the time and place of holding the examination
18 of applicants. The secretary of the said board, upon an
19 authorization from the president of the said board or the chair-
20 man of a committee, may call meetings of any duly appointed
21 committee of the said board at a specified time and place, and it
22 shall not be necessary to advertise such committee meetings.
23 The said board shall receive, through its secretary, applications
24 for certificates provided to be issued under this act, and shall,
25 on or before the first day of January of each year, transmit
26 to the governor a full report of all its proceedings, together
27 with a report of its receipts and disbursements. The said
28 board shall, on or before the first day of January of each year,
29 compile and thereafter publish and sell, a complete directory,
30 giving the addresses of all persons within the State of Cali-
31 fornia who hold unrevoked licenses to practice under this act,
32 or which have been issued or authorized by this act. []
33 The said board is hereby authorized to require said persons to
34 furnish such information as it may deem necessary to enable it
35 to compile the said directory. The said directory shall contain,
36 in addition to the names and addresses of said persons, the
37 names and symbols indicating the title, name or names, school

1 or schools which such person has attended and from which
2 graduated, the date of issuance of the license, the present resi-
3 dence of said person and a statement of the form of certificate
4 held. The directory shall be prima facie evidence of the right
5 of the person or persons named therein to practice. It shall be
6 the duty of every person holding a license to practice under the
7 provisions of this act, [] to report immediately each and
8 every change of residence, giving both the old and new address,
9 and any information said board may deem necessary to com-
10 pile said directory. After the issue of the first directory, under
11 this act, no directory issued by the state board of medical
12 examiners shall contain any such matter as is authorized to
13 be inserted in the directory hereby provided for.

14 SEC. 3. The office of the said board shall be in the city of
15 Sacramento. Suboffices may be established in Los Angeles and
16 San Francisco, and such records as may be necessary may be
17 transferred temporarily to such suboffices. Local proceedings
18 against the said board may be instituted in any one of said
19 three cities.

20 SEC. 4. The said board may from time to time adopt such
21 rules consistent with this act as may be necessary to enable it to
22 carry into effect the provisions of this act. It shall require the
23 affirmative vote of [four] members of said board to carry
24 motions or resolutions, to adopt any rule, to pass any measure,
25 or to authorize the issuance of any certificate as in this act
26 provided. Any member of the said board may administer
27 oaths in all matters pertaining to the duties of the said board,
28 and the said board shall have authority to take evidence in
29 any matter cognizable by it. When an application is made to
30 the board by any person who is a graduate in a drugless prac-
31 tice and it occurs that said drugless practice is not represented
32 on the board at the time of the filing of such application, the
33 board shall] appoint or designate any qualified and competent
34 person or persons to give the whole or any portion of any
35 examination as provided in this act; [and] such person or
36 persons need not be a member of the said board, [but upon
37 appointment] shall be designated as a commissioner on exami-

1 nation, and shall be subject to the same rules and regulations,
2 and entitled to the same fee and remuneration as if a member
3 of the said board. The said board shall keep an official record
4 of all its proceedings, a part of which record shall consist of a
5 register of all applicants for certificates under this act, together
6 with the action of the said board upon each application.

7 SEC. 5. The said board is authorized to prosecute all
8 persons guilty of violation of the provisions of this act. It
9 shall have the power to employ legal counsel for such purpose,
10 and may also employ inspectors, special agents and investi-
11 gators, and such clerical assistance as it may deem necessary to
12 carry into effect the provisions of this act. The said board may
13 fix the compensation to be paid for such service and may incur
14 such other expenses as it may deem necessary. It shall also
15 fix the salary of the secretary, not to exceed the sum of [one
16 thousand five hundred dollars (\$1,500)] per annum, and the
17 sum to be paid to the other members of the board, not to exceed
18 ten dollars (\$10) per diem each, for each and every day of
19 actual service in the discharge of official duties; such service to
20 include the attendance at special meetings of the board and
21 committee meetings of the board, and while actively engaged in
22 the review of examination papers, based upon one per diem for
23 each thirty papers or fraction thereof. Each member of the
24 board shall make an affidavit before some duly authorized per-
25 son in the State of California, that such service has been
26 actually performed, and the said board may, in its discretion,
27 add to said sum necessary traveling expenses.

28 SEC. 6. All fees collected on behalf of the said board, and
29 all receipts of every kind and nature, shall be reported at the
30 beginning of each month, for the month preceding, to the state
31 controller, and at the same time the entire amount of such
32 collections shall be paid into the state treasury, and shall be
33 credited to a fund to be known as the board of drugless exam-
34 iners' contingent fund, which fund is hereby created, and for
35 [the purposes hereinafter authorized, the said fund shall be
36 deemed to] be in existence immediately upon the taking effect
37 of this act. Such contingent fund shall be for the uses of the

1 said board of drugless examiners, and out of it shall be paid all
2 salaries, and all other expenses necessarily incurred in carrying
3 into effect the provisions of this act. An amount not to exceed
4 one thousand dollars (\$1,000) may be drawn from the contin-
5 gent fund herein created, to be used as a revolving fund where
6 cash advances are necessary; but expenditures from such
7 revolving fund must be substantiated by vouchers and itemized
8 statements at the end of each fiscal year, or at any other time
9 when demand therefor is made by the board of control of the
10 State of California. []

11 Sec. 7. Every applicant for a certificate shall pay to the
12 secretary of the board a fee of twenty-five dollars (\$25) which
13 shall be paid to the treasurer of the board by said secretary.
14 In case the applicant's credentials are insufficient, or in case
15 he does not desire to take the examination, the sum of ten
16 dollars (\$10) shall be retained, the remainder of the fee being
17 returnable on application. Where any other or different fee is
18 required from an applicant by this act, the provision of this
19 act therefor shall control.

20 Sec. 8. [The certificates of license to be issued under this
21 act shall be issued by said board under the seal thereof and
22 signed by the president and secretary, which said certificates
23 shall at the discretion of the applicant be designated either
24 "drugless practitioner certificates" or "drugless physician
25 certificate" and further, said certificate shall have indicated
26 thereon the particular branch or branches of drugless practice
27 in which the applicant has qualified and shall so state the
28 branch or branches as follows: License to practice -----
29 (insert name of branch or branches). The license issued here-
30 under shall authorize the holder thereof to practice the pro-
31 fession or professions specified upon his certificate within the
32 terms of section eight a of this act.] A "reciprocity certificate"
33 shall also be issued under the provisions hereinafter specified.
34 Either of these certificates, on being recorded in the office of the
35 county clerk, as hereinafter provided, shall constitute the
36 [holder thereof duly licensed under the provisions of this act
37 in accordance] with the provisions of his certificate.

1 [Sec. 8a. A drugless practitioner or drugless physician
2 within the meaning of this act is hereby declared to be any
3 person who is a graduate of a school, the course of instruction
4 in which said school shall be or shall have been of a character
5 intended to qualify persons to practice a physical system of
6 the healing art without the use of drugs or the practice of
7 surgery except the severing of the umbilical cord.]

8 Sec. 9. Every applicant must file with the said board at
9 least two weeks prior to the regular meeting thereof, satis-
10 factory testimonials of good moral character, and a diploma or
11 diplomas issued by some legally chartered school or schools
12 [], the requirements of which school or schools shall have been,
13 at the time of granting such diploma or diplomas, in no degree
14 less than those required under this act, or satisfactory evidence
15 of having possessed such diploma or diplomas, and must file
16 an affidavit stating that he or she is the person named in said
17 diploma or diplomas, and that he or she is the lawful holder
18 thereof, and that the same was procured in the regular course
19 of instruction and examination without fraud or misrepresen-
20 tation; *provided, further*, that an applicant for a [certificate
21 as provided in this act] must show that he has attended two
22 courses of study, each such course to have been of not less than
23 thirty-two weeks' duration, but not necessarily pursued con-
24 tinuously or consecutively, and that at least ten months shall
25 have intervened between the beginning of any course and the
26 beginning of the preceding course []. The said application
27 shall be made upon a blank furnished by the said board, and it
28 shall contain such information concerning the instruction and
29 the preliminary education of the applicant as the said board
30 may, by rule, prescribe. In addition to the requirements here-
31 inabove provided for, applicants for any form of certificate
32 hereunder shall present to said board, at the time of making of
33 such application, a diploma from a [high school or] school in
34 the State of California requiring and giving a full four years'
35 course of said grade, or other schools elsewhere, requiring and
36 giving a full four years' standard high school course or its
37 equivalent, [] together with satisfactory proof that he or she

1 is the lawful holder of such diploma, and that the same was
2 procured in the regular course of instruction. [Every appli-
3 cant shall make affidavit stating that each and every statement
4 made in, and all entries made upon the application presented
5 by him to said board, are correct and true.]

6 SEC. 10. Applicants for a [certificate as provided in this
7 act] shall file satisfactory evidence of having pursued, in any
8 legally chartered school or schools [], a course of instruction
9 covering and including the following minimum requirements:

10 *Group 1. 600 hours.*

11 Anatomy ----- 485 hours
12 Histology ----- 115 hours

13 *Group 2. 270 hours.*

14 Elementary chemistry and toxicology ----- 70 hours
15 Physiology ----- 200 hours

16 *Group 3. 235 hours.*

17 Elementary bacteriology ----- 40 hours
18 Hygiene ----- 45 hours
19 Pathology ----- 150 hours

20 *Group 4. 370 hours.*

21 Diagnosis ----- 370 hours

22 *Group 5. 260 hours.*

23 [Theory, practice and technic] ----- 260 hours

24 *Group 6. 265 hours.*

25 Gynecology ----- 100 hours
26 Obstetrics ----- 165 hours

27 -----
28 Total ----- 2,000 hours

29 In the course of study herein outlined, the hours required
30 shall be actual work in the class room, laboratory, clinic or hos-
31 pital, and at least eighty per cent of actual attendance shall be
32 required; *provided*, that the hours herein required in any one
33 subject need not exceed seventy-five per cent of the number
34 specified, but that the total number of hours in all the subjects
35 of each group shall not be less than the total number specified
36 for such group. All applicants for [] certificate [as pro-

1 vided in this act] must pass an examination in the following
2 subjects:

- 3 1. Anatomy and histology.
- 4 2. Physiology.
- 5 3. [] Diagnosis.
- 6 4. Pathology and elementary bacteriology.
- 7 5. Obstetrics and gynecology.
- 8 6. Toxicology and elementary chemistry.
- 9 7. Hygiene and sanitation.
- 10 [8. Theory, practice and technic.]

11 SEC. 11. All examinations shall be practical in character
12 and designed to ascertain the applicant's fitness to practice his
13 profession [and shall be according to the teachings thereof]
14 and shall be conducted in the English language, and at least
15 a portion of the examination in each of the subjects shall be
16 in writing. [The member or members of the board appointed
17 by the governor as the representatives of any of the several
18 branches of drugless practice shall constitute the examiners
19 for their respective branches of drugless practice.]
20 persons shall have the exclusive authority over all matters
21 pertaining to the educational qualifications of all applicants
22 for examination and license in their respective professions.]
23 There shall be at least ten questions on each subject, the
24 answers to which shall be marked on a scale of zero to one
25 hundred. Each applicant must obtain no less than a general
26 average of seventy-five per cent and not less than sixty per
27 cent in any two subjects; *provided*, that any applicant shall
28 be granted a credit of one per cent upon the general average
29 for each year of actual practice since graduation; *provided*,
30 *further*, that any applicant for a [] certificate [under the pro-
31 visions of this act] obtaining seventy-five per cent, each, in five
32 subjects, shall be subsequently reexamined in those subjects
33 only in which he failed, and without additional fee. Any
34 person who within the time herein required submits proof [sat-
35 isfactory] to the said board hereby established that he or she
36 has been licensed as a drugless practitioner by the board of
37 medical examiners authorized and established by the act of

1 the legislature of California approved June 2, 1913, or any
 2 act or acts amendatory, thereof; and that said license was
 3 issued upon the proof of competency or other qualification in
 4 a practice as regulated under this act,] upon paying the fee
 5 herein by this section required, shall be entitled to and shall
 6 upon written application therefor, receive from the board
 7 hereby established a [] certificate, [as provided in this act],
 8 which certificate must be issued at the first meeting of said
 9 board after such application and the submission of the proof
 10 last above referred to, and the payment of said last men-
 11 tioned fee, without further examination. Any such appli-
 12 cant must present his application therefor in the form
 13 required by the board hereby created, with such proof,
 14 and pay an application fee of five dollars (\$5) to the secretary
 15 of the board hereby established, within six (6) months from
 16 the time this act shall take effect, and not thereafter, unless by
 17 reason of the absence of such person from the State of Cali-
 18 fornia, or other disability allowed by said board, the said board
 19 shall permit such application and proof to be made at a later
 20 period. Upon the submitting to said board of the proof last
 21 above referred to, and the payment of said application fee of
 22 five dollars (\$5) within the time herein mentioned or permitted,
 23 the said board must issue to such an applicant a [] certifi-
 24 cate under the provisions of this act, without further proof or
 25 examination of said person. Nothing in this act contained shall
 26 be construed to compel or require any person holding a "drug-
 27 less practitioner certificate," under the laws of this state, to
 28 obtain a [] certificate under the provision of this act,
 29 but after this act shall take effect, the board of medical
 30 examiners, created and established by the act of the legislature
 31 of California and approved June 2, 1913, or any act or acts
 32 amendatory thereof, shall not, nor shall any board or authority,
 33 except the board hereby created, issue, or have power to issue
 34 any certificate, or license any person to practice [as is pro-
 35 vided in this act], and no person shall be entitled in the State
 36 of California, to [so practice], unless licensed so to do by
 37 authority of a law of this state. Any person [who is a citizen

1 of the State of California] who, at any time prior to July 1,
 2 1918, shall pay to the secretary of said board of drugless
 3 examiners the fee of twenty-five dollars (\$25), and submit
 4 satisfactory proof of good moral character and of a resident
 5 one-year course of not less than one thousand hours in a legally
 6 chartered school, and that he enrolled in said school prior
 7 to the passage or approval of this act shall be admitted to an
 8 oral practical and clinical examination for a] certificate author-
 9 ized to be issued by this act. The examination papers shall
 10 form a part of the records of said board, and shall be kept on
 11 file by the secretary for a period of one year after such exam-
 12 ination. In said examination the applicant shall be known and
 13 designated by number only, and the name attached to the num-
 14 ber shall be kept secret until after the board has finally voted
 15 upon the application. The secretary of the board shall in no
 16 instance participate as an examiner in any examination held
 17 by the board. All questions on any subject in which examina-
 18 tion is required under this act shall be provided by the board
 19 of drugless examiners hereby established, upon the morning of
 20 the day upon which examination is given in such subject, and
 21 when it shall be shown that the secretary, or any member of
 22 the board, has in any manner given information in advance of,
 23 or during examination, to any applicant, it shall be the duty
 24 of the governor to remove such person from the said board of
 25 drugless examiners, or from the office of secretary. All certifi-
 26 cates issued hereunder shall be in such form as shall be pre-
 27 scribed by the said board, consistent with [section eight] of
 28 this act.

29 SEC. 12. Said board must also issue a [certificate to prac-
 30 tice as authorized by this act to any] applicant, without any
 31 examination, upon payment of a registration fee of fifty dol-
 32 lars (\$50) upon the following terms and conditions, and upon
 33 satisfactory proof thereof, viz:

34 The applicant shall produce a certificate entitling him to
 35 [practice as] provided in this act, issued by any board or
 36 officer authorized by the law to issue a certificate entitling such
 37 applicant to practice [] in the District of Columbia or any

1 state or territory of the United States, other than the State of
 2 California; or, if said certificate shall have been lost, then a
 3 copy thereof, with proof satisfactory to the said board of drug-
 4 less examiners hereby established that the copy is a correct
 5 copy. [The] requirements from the college from which such
 6 applicant may have graduated, and the requirements of the
 7 board which was legally authorized to issue such certificate
 8 permitting such applicant to practice [as provided in this act
 9 shall] not have been at the time such certificate was issued in
 10 any degree or particular less than those which were required
 11 for the issuance of a similar certificate to practice such a
 12 [branch of drugless practice], by the provisions of this act,
 13 or which may hereafter be required by law in the State of Cali-
 14 fornia, and which may be in force in California[]; and
 15 provided, further, that said applicant shall furnish from the
 16 board which issued such certificate evidence satisfactory to the
 17 board of drugless examiners hereby established, showing what
 18 the requirements were of the college and of the board issuing
 19 such certificate at the date of such issuance. [] Each appli-
 20 cant, on making such application, shall pay to the secretary of
 21 said board, upon such an application, a fee of fifty dollars
 22 (\$50) which shall be paid to the treasurer of the board, of
 23 which sum forty dollars (\$40) thereof shall be returned to
 24 him, should he not receive a certificate hereunder. All certifi-
 25 cates issued pursuant to the provisions of this section shall [in
 26 addition to the provisions of section eight of this act] be
 27 marked across the face thereof, "reciprocity certificate." []
 28 SEC. 13. [Said board shall revoke the certificate of license
 29 issued under this act to any person guilty of unprofessional
 30 conduct. Said board shall adopt rules of practice and pro-
 31 cedure pursuant and under and by virtue of the laws of the
 32 State of California, by which any person charged with unpro-
 33 fessional conduct may be tried. In every instance where a
 34 person is charged with unprofessional conduct, such person,
 35 before suspension or revocation of his license, shall be cited to
 36 appear and be given an opportunity to defend himself by
 37 counsel or otherwise in said trial by said board. In the event

1 the certificate of license of any person is revoked or suspended,
 2 the secretary shall enter upon the register the fact of such sus-
 3 pension or revocation, under the seal of the board, to the
 4 county clerk of the county or counties in which the certificate
 5 of the person whose certificate has been revoked is recorded at
 6 the time of such revocation. The words "unprofessional
 7 conduct" as used in this act, are hereby declared to mean:]
 8 *First.* The procuring or aiding or abetting or attempting or
 9 agreeing or offering to procure a criminal abortion.
 10 *Second.* The wilfully betraying of a professional secret.
 11 *Third.* All advertising of medical business or drugless treat-
 12 ment which is intended or has a tendency to deceive the
 13 public or impose upon credulous persons, and so be harmful
 14 or injurious to public morals or safety.
 15 *Fourth.* All advertising, directly or indirectly, or by any mode
 16 of evasion, of any medicine or of any means whereby the
 17 monthly periods of women can be regulated or the menses
 18 reestablished if suppressed.
 19 *Fifth.* Conviction of any offense involving moral turpitude,
 20 in which case the record of such conviction shall be con-
 21 clusive evidence.
 22 *Sixth.* Habitual intemperance or excessive use of cocaine,
 23 opium, morphine, codeine, heroin, alpha eucaine, vita
 24 eucaine, uvacaine or chloral hydrate or any of the salts,
 25 derivatives or compounds of the foregoing substances or
 26 the prescribing, selling, furnishing, giving away or offering
 27 to prescribe, sell, furnish or give away such substances or
 28 any drug or medicinal preparation, to any person.
 29 *Seventh.* The personation of another licensed practitioner or
 30 physician, or permitting or allowing another person to use
 31 his license or certificate in the practice of any drugless sys-
 32 tem or mode of treating the sick or afflicted.
 33 *Eighth.* The use by the holder of any certificate, in any sign
 34 or advertisement in connection with his said practice, or in
 35 any advertisement or announcement of his practice, of any
 36 fictitious name, or any name other than his own.

1 *Ninth.* The use by the holder of a [certificate under the pro-
2 visions of this act of drugs or the practice of surgery except
3 the] severing of the umbilical cord.

4 *Tenth.* Advertising, announcing or stating, directly or
5 indirectly, or in substance, by any sign, card, newspaper
6 advertisement or other written or printed sign or adver-
7 tisement, that the holder of such, or any, certificate as is
8 mentioned in subdivision nine of this section, or any other
9 person, company or association by which he or she is
10 employed, or in whose service he or she is, will cure or
11 attempt to cure, or will treat any venereal disease, or will
12 cure or attempt to cure or treat any person or persons for
13 any sexual disease, for lost manhood, sexual weakness, or sex-
14 ual disorder or any disease of the sexual organs; or being
15 employed by, or being in the service of, any person, firm,
16 association or corporation so advertising, announcing or
17 stating.

18 *Eleventh.* The use by the holder of any certificate mentioned
19 in subdivision nine of this section, of any letter, letters,
20 word, words, or term or terms used either as prefix or affix
21 or suffix indicating that such certificate holder is entitled to
22 practice a system or mode of treating the sick or afflicted for
23 which he [is] not licensed in the State of California.

24 *Twelfth.* The employment of "cappers" or "steerers" in
25 [procuring practice for the holder of a license issued under
26 this act.]

27 SEC. 14. Every person holding a certificate under the
28 [provisions of this act, must have it] recorded in the
29 office of the county clerk of the county or counties in
30 which the holder of said certificate is practicing his pro-
31 fession, and the fact of such recordation shall be indorsed
32 on the certificate by the county clerk recording same. Any
33 person holding a certificate as aforesaid, who shall practice or
34 attempt to practice [] in this state, without having first filed
35 his certificate with the county clerk, as herein provided, shall
36 be deemed guilty of a misdemeanor and shall be punished by a
37 fine [of not more than one] hundred dollars (\$100), or by

1 imprisonment for a period of not [] more than sixty days,
2 or by both such fine and imprisonment.

3 SEC. 15. The county clerk shall keep in a book provided for
4 the purpose a complete list of the certificates recorded by him,
5 with the date of the record; and said book shall be open to
6 public inspection during his office hours.

7 SEC. 16. Any person who shall practice or attempt to
8 practice, directly or indirectly, or by any process of evasion or
9 who advertises or who holds himself out as practicing, [any
10 branch of drugless practice] in this state, [as authorized and
11 regulated under the provisions of this act, and] who shall by
12 any process of evasion, or directly or indirectly diagnose, treat,
13 operate for, or prescribe for any disease, injury, deformity
14 or other mental or physical condition of any person, without
15 having at the time of so doing a valid unrevoked certificate,
16 as provided by this act, authorizing such practice, or a
17 "physician and surgeon certificate" issued by the board of
18 medical examiners of this state, or unless otherwise licensed
19 so to practice by this act or by law, or who shall in any sign or
20 in any advertisement, use the word "doctor," the letters or
21 prefix "Dr.," the letters "M.D.," or the words "drugless
22 physician," [or "drugless practitioner"], or "physician" or
23 any other term or letters indicating or implying that he is a
24 [practitioner] or physician under the terms of this or any
25 other act of law or by any right or that he is entitled so to
26 practice, without having at the time of so doing a valid unre-
27 voked certificate as provided in this act, or a "drugless prac-
28 itioner certificate," or a "physician and surgeon certificate"
29 issued by the board of medical examiners of the State of Cali-
30 fornia, or unless otherwise licensed so to practice by this act,
31 or by law, shall be guilty of a misdemeanor and upon convic-
32 tion thereof shall be punished by a fine of not [] more than
33 six hundred dollars (\$600) or by imprisonment for a term of
34 not [] more than one hundred eighty (180) days, or by both
35 such fine and imprisonment. The fine or forfeiture shall be
36 paid, when collected, to the state treasurer, and a report
37 thereof shall be made to the state controller. It shall be the

1 duty of the court to order the proper official of the court to
2 forward such fines or forfeiture direct to the state treasurer, to
3 be deposited to the credit of the board of drugless examiners'
4 contingent fund, without placing such fine or forfeiture in any
5 special or contingent or general fund of any county, city and
6 county, city or township.

7 SEC. 17. Any person, or any member of any firm, or
8 official of any company, association, organization or corpora-
9 tion shall be guilty of a misdemeanor, and upon conviction
10 thereof shall be punishable by imprisonment in the county
11 jail for not [] more than one year, or by a fine of not []
12 more than one thousand dollars (\$1,000), or by both such fine
13 and imprisonment, who, individually, or in his official capacity,
14 shall himself sell or barter, or offer to sell or barter, any certifi-
15 cate authorized to be granted hereunder, or any certificate or
16 license authorizing the holder to practice [hereunder], or any
17 diploma, affidavit, transcript, certificate, or any other evi-
18 dence required in this act for use in connection with the
19 granting of certificates or diplomas, or who shall purchase or
20 procure the same, either directly or indirectly, with intent
21 that the same shall be fraudulently used, or who shall with
22 fraudulent intent alter any diploma, certificate, transcript,
23 affidavit, or any other evidence to be used in obtaining a
24 diploma or certificate or license authorizing the holder to
25 [practice under the provisions of this act], or who shall use, or
26 attempt to use fraudulently any such certificate, transcript,
27 affidavit or diploma, whether the same be genuine or false, or
28 who shall practice [or attempt to practice as provided for
29 under this act], under a false or assumed name, or any name
30 other than that prescribed by the board of drugless examiners,
31 or the board of medical examiners of the State of California,
32 on, in or by the certificate or license lawfully issued to such
33 person authorizing him to [so practice], or who shall assume
34 any degree or title not conferred upon him in the manner,
35 and by the authority recognized in this act or by law, with
36 intent to represent falsely that he has received such degree
37 or title, or who shall wilfully make any false statement on any

1 application for examination, license or registration under this
2 act; or who shall engage in [drugless practice as provided for
3 herein], without causing to be displayed in a conspicuous man-
4 ner and in a conspicuous place in his office, the name of each
5 and every person who is associated with or [employed by him
6 in such practice]; or who shall, within ten days next after
7 demand made by the secretary of the said board hereby estab-
8 lished, fail to furnish to said board the name and address of all
9 such persons associated with or employed by him or by any
10 company or association with whom he is or has been connected
11 at any time within sixty days prior to said notice, together with
12 a sworn statement showing under and by what license or
13 authority said person or persons, or said employee or employees
14 is or are, or has or have been practicing any [branch of drug-
15 less practice.] It shall be the duty of any person or persons
16 upon whom the board of drugless examiners may make a
17 demand for the name or names and address or addresses of a
18 person or persons associated with or employed by him or them,
19 to make affidavit that there is no such person or persons asso-
20 ciated with or employed by him or them, if such be the fact;
21 provided, that such affidavit shall not be used as evidence
22 against said person or employee in any proceedings under this
23 section.

24 SEC. 18. Every person filing for record or attempting to
25 file for record any certificate or license authorizing the prac-
26 tice [of any branch of drugless practice] issued to another,
27 falsely claiming himself to be the person named in or entitled
28 to such certificate, shall be guilty of a felony, and upon con-
29 viction thereof, shall be subject to such penalties as are pro-
30 vided by the laws of this state for the crime of forgery.

31 SEC. 19. Any person not a member of the state board of
32 drugless examiners, who shall sign or issue or cause to be
33 signed or issued any certificate authorized by this act, shall
34 be guilty of a misdemeanor, and shall be punished by a fine
35 of not [] more than six hundred dollars (\$600) or by
36 imprisonment for a term of not [] more than one hundred
37 eighty (180) days, or by both fine and imprisonment.

1 SEC. 20. Nothing in this act shall be construed to prohibit
2 the practice of a system of drugless treatment of the sick or
3 afflicted by any person holding an unrevoked "drugless prac-
4 titioner certificate" heretofore issued under or validated by
5 the board of medical examiners of this state, or by any person
6 authorized to so practice by the laws of this state; but [] after
7 this act shall take effect, neither the board of medical exam-
8 iners of this state nor any other board or authority in this
9 state, except the board created by this act, shall grant
10 [any "drugless practitioner certificate" or any certificate,
11 license, or authorization, authorizing the holder thereof to prac-
12 tice any branch of drugless practice as specified and set forth
13 in this act, or do any act relating to the authorization or regu-
14 lation of drugless practice in this state and from such time all
15 power and authority over drugless practice in] this state, shall
16 be vested exclusively in, and be exercised by, the board of
17 drugless examiners hereby established, pursuant to the pro-
18 visions of this act.

19 SEC. 21. Nothing in this act is construed to prohibit serv-
20 ice in the case of emergency, or the domestic administration
21 of family remedies; [] nor shall this act apply to any prac-
22 titioner from another state or territory, when in actual consul-
23 tation with a licensed practitioner of this state []; *provided*,
24 that such practitioner shall not open an office or appoint a
25 place to meet patients or receive calls within the limits of this
26 state. Nor shall this act be construed [] to regulate, prohibit
27 or to apply to any kind of treatment by prayer; nor to inter-
28 fere in any way with the practice of religion; but said treat-
29 ment by prayer or practice of religion shall not permit the use
30 of [] any mechanical method [].

31 SEC. 22. All acts and parts of acts inconsistent with or
32 in conflict with this act are hereby repealed.

SENATE BILL

No. 24

INTRODUCED BY SENATOR SCOTT,

JANUARY 12, 1917.

SEE AS AMENDED

REFERRED TO COMMITTEE ON PUBLIC HEALTH AND QUARANTINE.

AN ACT

TO REGULATE THE EXAMINATION OF APPLICANTS FOR LICENSE, AND THE
PRACTICE OF THOSE LICENSED TO TREAT DISEASES, INJURIES, DEFORM-
ITIES, OR OTHER PHYSICAL OR MENTAL CONDITIONS OF HUMAN BEINGS
WITHOUT THE USE OF DRUGS, OR WHAT ARE KNOWN AS MEDICINAL
PREPARATIONS, AND WITHOUT IN ANY MANNER SEVERING OR PENE-
TRATING ANY OF THE TISSUES OF HUMAN BEINGS EXCEPT THE
SEVERING OF THE UMBILICAL CORD; TO ESTABLISH A BOARD OF EXAM-
INERS OF DRUGLESS PHYSICIANS FOR THE STATE OF CALIFORNIA; TO
PROVIDE FOR THEIR APPOINTMENT AND PRESCRIBE THEIR POWERS
AND DUTIES, AND TO PROVIDE PENALTIES TO ENFORCE THE PROVISIONS
OF THIS ACT; TO PROVIDE THAT SUCH BOARD MAY SUSPEND OR REVOKE
THE RIGHT TO PRACTICE OF DRUGLESS PRACTITIONERS, OR DRUGLESS
PHYSICIANS; TO REVOKE THE LICENSES OR CERTIFICATES OF SUCH
PRACTITIONERS OR PHYSICIANS; TO PROVIDE THAT THE POWERS AND
DUTIES OF SUCH BOARD SHALL BE EXCLUSIVE; TO PROVIDE FOR THE
TRANSFER OF A PORTION OF THE BOARD OF MEDICAL EXAMINERS'
CONTINGENT FUND, TO THE BOARD OF DRUGLESS EXAMINERS' CON-
TINGENT FUND, AND TO REPEAL ALL ACTS AND PARTS OF ACTS
INCONSISTENT WITH, OR IN CONFLICT WITH, THIS ACT.

The people of the State of California do enact as follows:

- 1 SECTION 1. A board of examiners of drugless physicians,
- 2 to consist of eleven members, and to be known as the "board